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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,209	12/06/2001	Ron M. Redlich	6851-2 CIP1	3379

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/008,209	REDLICH ET AL.	
	Examiner	Art Unit	
	Michael Pyzocha	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20060123</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-73 are pending.
2. Amendment filed 01/23/2006 has been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-7, 17, 20-21, 29-32, 37-39, 47-53, 61-62, 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fahlman et al (US 5960080) and in view of Anderson et al (US 5581682) further in view of Flyntz (US 6389542).

As per claims 1-2, 29-30, 47-48, 72-73, Fahlman discloses securing data in a computer network with one or more security sensitive words, characters or icons, said computer network having a plurality of computers interconnected together, one of said plurality of computers designated as a data input computer and each of said plurality of computers having a memory therein,

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a first and a second memory designated as a remainder store and an extract store in one or more computers of said plurality of computers, comprising: filtering data input from said data input computer and extracting said security sensitive words, characters or icons from said data to obtain extracted data and remainder data; storing said extracted data and said remainder data in said extracted store and said remainder store, respectively; and, permitting reconstruction of said data via said extracted data and remainder data only in the presence of a predetermined security clearance (see column 3 lines 27-67; column 5 lines 27-32; Figures 2 and 6).

Fahlman fails to disclose subsets of filtration with different levels of security and storing filtered data for different security levels in different locations.

However, Anderson et al teaches filtration based on levels of security (see column 5 lines 3-15) and Flyntz teaches separate storage for different security levels (see Figure 1 and corresponding description of Figure 1 in columns 5-7).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use filter the data of Fahlman based on security levels and to store the filtered data based on security level.

Motivation to do so would have been to require a user to have the correct authority to view a redacted document (see Anderson et al column 5 lines 3-15) and to provide a multilevel security system (see Flyntz column 5 lines 17-32).

As per claims 3, 31, 49 the modified Fahlman et al, Anderson et al, and Flyntz system discloses utilizing placeholders in said remainder data representing non-reconstructed, extracted data during the reconstruction, said placeholders being one from the group of characters, icons, substitute words, data objects, underline and blank space (see Fahlman figure 4).

As per claims 4, 32, 50, the modified Fahlman et al, Anderson et al, and Flyntz system discloses a plurality of placeholders are utilized, said placeholders including characters, icons, substitute words, data objects, underline and blank spaces grouped to represent each respective security level of said plurality of security levels (see Fahlman figure 4).

As per claims 5 and 51, the modified Fahlman et al, Anderson et al, and Flyntz system discloses defining a filter prior to said filtering step (see Fahlman figure 3).

As per claims 6-7, 17, 20-21, 37-39, 52-53, 61-62, the modified Fahlman et al, Anderson et al, and Flyntz system

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discloses encrypting and decrypting the extracted data (see Fahlman figure 6).

5. Claims 8-13, 22-24, 33-36, 40-42, 54-56, 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Fahlman et al, Anderson et al, and Flyntz system as applied to claims 1, 21, 29, 39, 47, 62 above, and further in view of FOLDOC (URL webpage).

As per claims 8-11, 22-23, 33-34, 40-41 54-55, 63-64, the modified Fahlman et al, Anderson et al, and Flyntz system fails to disclose the use of URLs to exchange the data between clients and servers.

However, FOLDOC teaches such limitations (see pages 1-2).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the URLs of FOLDOC to identify and transfer data in the modified Fahlman et al, Anderson et al, and Flyntz system.

Motivation to do so would have been to allow data to travel over the Internet (see FOLDOC page 1).

As per claims 12-13, 24, 35-36, 42, 56, 65, the modified Fahlman et al, Anderson et al, Flyntz, and FOLDOC system discloses encrypting and decrypting the extracted data (see Fahlman figure 6).

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6. Claims 14-15, 25-26, 57-58, 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Fahlman et al, Anderson et al, and Flyntz system as applied to claims above, and further in view of Gurley (US 5036315).

As per claims 14, 25, 57, 66, the modified Fahlman et al, Anderson et al, and Flyntz system fails to disclose one of said computers includes a data display system with at least two separate but visually overlaid displays and at least two respective display interfaces, the step of reconstruction including displaying said extracted data on one of said at least two displays and displaying said remainder data on another of said at least two displays.

However, Gurley teaches such a limitation (see the abstract and Figure 1 number 100).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Gurley's displays in the modified Fahlman et al, Anderson et al, and Flyntz system.

Motivation to do so would have been to allow for window sharing (see Gurley abstract).

As per claims 15, 26, 58, 67, the modified Fahlman et al, Anderson et al, Flyntz, and Gurley system discloses one of said computers includes a display fed from a video memory having a

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plurality of frame memory segments, the information processing system including said compiler adapted to be coupled to said video memory, said compiler having means for interleaving extracted data and remainder data into respective ones of said plurality of frame memory segments on said one computer (see Gurley abstract and Figure 1 number 100).

7. Claims 16, 27-28, 43-44, 59-60, 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Fahlman et al, Anderson et al, and Flyntz system (alone or in combination with FOLDOC) as applied to claims 1, 24, 42, 47, and 65 above, and further in view of Schneier (Applied Cryptography).

As per claims 16, 27-28, 43-44, 59-60, 68-69, the modified Fahlman et al, Anderson et al, and Flyntz system fails to disclose storing or deleting the input after storing.

However, Schneier teaches destroying information (see pages 228-229).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Schneier's method of destroying information to destroy the input data of the modified Fahlman et al, Anderson et al, and Flyntz system.

Motivation to do so would have been to protect the secret information (see Schneier page 229).

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8. Claims 18-19, 45-46, 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Fahlman et al, Anderson et al, and Flyntz system as applied to claims 1, 29 and 47 above, and further in view of Moses et al (US 5532950).

As per claims 18-19, 45-46, 70-71, the modified Fahlman et al, Anderson et al, and Flyntz system fails to disclose filtering, storing or reconstruction of an audio file utilizing an inference engine, neural network or artificial intelligence.

However, Moses et al teaches such a limitation (see column 3 lines 32-39).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Moses et al's neural network to filter audio data in the modified Fahlman et al, Anderson et al, and Flyntz system.

Motivation to do so would have been that neural networks are capable of being trained (see column 3 lines 32-39).

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

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1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1, 29, 47 and 72-73 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 63, 90 and 224 of copending Application No. 09916397. The claims of the copending application are broader than the present application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

11. Claims 1, 29, 47 and 72-73 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 46 of copending Application No. 10008218. Although the conflicting claims are not identical, they are not patentably distinct from each other because at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the present claims to filter the security information based on

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attack warnings. Motivation to do so would have been protect the security data.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

12. Claims 1, 29, 47 and 72-73 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 20 of copending Application No. 10155525. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to modify the present claims to store the data remotely and to secure email as in the claims of the copending application. Motivation to do so would have been to allow multiple users to access the data and to allow the use of the SMTP protocol.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

13. Claims 1, 29, 47 and 72-73 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application No. 10155192. Although the conflicting claims 1 and

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7 are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to modify the present claims to be performed on a user system as opposed to a network system. Motivation to do so would have been to allow all of a users data to be filtered.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

14. Claims 1, 29, 47 and 72-73 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 53, and 67 of copending Application No. 10277196. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to modify the present claims to modify the copending claims to be done at a user level with different security levels. Motivation to do so would have been to allow a public computer to allow access to different information to different users.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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15. Claims 1, 29, 47 and 72-73 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 47, 48, 124, and 146 of copending Application No. 10390807. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to modify the present claims to filter data when a portable computing device is outside of an area. Motivation to do so would have been to prevent security data from being accessible from a non-secure area.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

16. Due to the vast number of applications that qualify as a provisional double patenting rejection only the independent claims of the present application have been rejected.

Response to Arguments

17. Applicant's arguments with respect to claims 1-73 have been considered but are moot in view of the new ground(s) of rejection.

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18. Applicant requested that the provisional double patenting rejections be suspended until claims are allowed. These rejections have been maintained because Section 804 of the MPEP states, "The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in at least one of the applications."

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rackman (US 5903646) teaches filtering and storing data.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

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statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

Matthew D. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137